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IN THE UNITED STATES DISTRICT COURT

FOR THE NORTHERN DISTRICT OF CALIFORNIA

OAKLAND DIVISION

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|---|---|
| UNITED STATES OF AMERICA,<br><br>Plaintiff,<br><br>v.<br><br>EUGENE LATRELL MCNEELY,<br><br>Defendant. | CR 17-204-JD<br><br>STIPULATION AND [PROPOSED] ORDER TO VACATE JUNE 28, 2017 STATUS HEARING, SET BRIEFING SCHEDULE AND MOTION HEARING DATE AND EXCLUDE TIME UNDER THE SPEEDY TRIAL ACT<br><br>Date: June 28, 2017<br>Time: 10:30 a.m. |

Mr. McNeely is charged with one count of transportation of a minor for prostitution, in violation of 18 U.S.C. § 2423(a). He is in custody. The initial status hearing in this case is set for June 28, 2017.

Mr. McNeely anticipates filing pretrial motions and needs additional time to review discovery and prepare motions. Defense counsel has received an initial production of discovery pursuant to a protective order. *See* Dkt. 12. An additional 14,000 pages of discovery is in the process of being produced by the government. Defense counsel needs time to review these documents and go over them with Mr. McNeely. The Court has already approved Mr. McNeely's use of a tablet device in order to review discovery and defense counsel has been working diligently to get the tablet to Mr. McNeely. *See* Dkt. 14.

The parties therefore jointly request the Court vacate the June 28, 2017 status hearing, set a briefing schedule and motion hearing date of September 13, 2017 at 10:30 a.m. in the San Francisco courthouse. The parties agree to the following briefing schedule:

**August 2, 2017**: Mr. McNeely's deadline to file pretrial motions

**August 16, 2017**: the government's deadline to file a response

**August 23, 2017**: Mr. McNeely's deadline to file a reply to the government's response

**September 13, 2017**: motion hearing before the Court on pretrial motions

Should the parties reach a resolution to the case, it may seek to modify or vacate the briefing schedule. The parties will notify the Court ahead of time if they reach a resolution.

The parties also agree that time should be excluded under the Speedy Trial Act, 18 U.S.C. § 3161, between June 28 and September 13, 2017. The time between Mr. McNeely's arraignment on May 9, 2017 and the initial status hearing currently set for June 28, 2017 has already been excluded for effective preparation of counsel, taking into account the exercise of due diligence, under 18 U.S.C. § 3161(h)(7)(B)(iv). *See* Dkt. 8. For that same reason, time should continue to be excluded as defense counsel continues to review the voluminous discovery and works on Mr. McNeely's pretrial motions. After Mr. McNeely's motions are filed, time can also be excluded under 18 U.S.C. § 3161(h)(1)(D) due to a pending pretrial motion.

Thus, the parties request (1) this Court vacate the June 28, 2017 status hearing and set the briefing schedule agreed to above and a motion hearing date of September 13, 2017 at 10:30 a.m. in the San Francisco courthouse; and (2) exclude time under the Speedy Trial Act.

DATED: June 26, 2017

/s/
HANNI M. FAKHOURY
Assistant Federal Public Defender

DATED: June 26, 2017

/s/
WILLIAM J. GULLOTTA
Assistant United States Attorney

**[PROPOSED] ORDER**

Based on the reasons provided in the stipulation of the parties above, the Court hereby:

1. Vacates the June 28, 2017 status hearing currently set in this case;

2. Adopts the following briefing schedule agreed to by the parties:

**August 2, 2017**: Mr. McNeely's deadline to file pretrial motions

**August 16, 2017**: the government's deadline to file a response

**August 23, 2017**: Mr. McNeely's deadline to file a reply to the government's response

3. Schedules a motion hearing on pretrial motions for September 13, 2017 at 10:30 a.m. in the San Francisco courthouse; and

4. Finds good cause to exclude the time between June 28, 2017 and September 13, 2017 from the Speedy Trial Act for the effective preparation of counsel, taking into account due diligence, under 18 U.S.C. § 3161(h)(7)(B)(iv).

**IT IS SO ORDERED.**

DATED: 6/27/17

HONORABLE JAMES DONATO
United States District Judge